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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/570,269	06/02/2006	Keizou Kanzaki	Q92994	5227
23373 7590 05/19/2009 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				
EXAMINER				
VAN, QUANG T				
ART UNIT		PAPER NUMBER		
3742				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/570,269

**Applicant(s)**

KANZAKI ET AL.

**Examiner**

Quang T. Van

**Art Unit**

3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 March 2009.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8, 10 and 11 is/are pending in the application.  
4a) Of the above claim(s) 3, 4, 8 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1, 2, 5-7, 10 and 11 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 02 March 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/SB08)  
Paper No(s)/Mail Date 6/2/06 & 10/08/08  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ ~~Notice of Informal Patent Application~~  
6) ☐ Other: \_\_\_\_\_

***Election/Restrictions***

1. Applicant's election with traverse of Species I (claims 1, 2, 5-7 and 10-11) in the reply filed on 3/2/2009 is acknowledged. The traversal is on the ground(s) that all of the claims, contain the above-noted special technical feature (i.e., opening preventive means formed separately from one another on an inner side of a peripheral edge seal part of both sides of each of the branched section and an opposing section of the packaging pouch body opposing the branched section) that represents an advance in the art (i.e., a patentably distinguishing feature). This is not found persuasive because the combination of the reference JP 11-130,159A and JP 2003-002374A read on the at least independent claim 1 of the presentation, therefore, the species of the application lack the same or corresponding special technical feature.

The requirement is still deemed proper and is therefore made FINAL.

***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show "A represents an inner length of a short side of a packaging pouch body opposing the branched section; B represents an inner height of the branched section; C represents a height of a lower end of the vapor release seal part provided in the branched section; D represents an inner length of a short side of the packaging pouch; and E represents an inner length of a long side of the packaging pouch including the section opposing the branched section", recited in Specification, page 4, lines 7-12, as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected

drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 5, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 11-130159A in view of JP 2003-002374A both cited by applicants. JP 11-130159A discloses a packaging bag for microwave oven comprising a packaging pouch body and

a branched section, the packaging pouch body and the branched section having first and second sides; and a vapor release seal part having at least one weakened part formed in the branched section, characterized in that opening preventive means are formed separately from one another on an inner side of a peripheral edge seal part of both sides of each of the branched section and an opposing section of the packaging pouch body opposing the branched section. However, JP 11-130159A does not disclose the peripheral edge seal part and the vapor release seal part each have a sealing strength of 2.3 kN/15 mm or more. JP 2003-002374A discloses a retortable package bag for microwave oven having a peripheral edge seal part and the vapor release seal part each have a sealing strength of 2.3 kN/15 mm or more (abstract). It would have been obvious to one ordinary skill in the art at the time the invention was made to utilize in JP 11-130159A a peripheral edge seal part and the vapor release seal part each have a sealing strength of 2.3 kN/15 mm or more as taught by JP 2003-002374A in order to provide a strong bond of sealing bag.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 11-130159A in view of JP 2003-002374A both cited by applicants, and further in view of Hanson et al (US 6,060,096). JP 11-130159A /JP 2003-002374A discloses substantially all features of the claimed invention except the vapor release seal part is formed continuously with respect to the peripheral edge seal part of the branch section. Hanson discloses a vapor release seal part is formed continuously with respect to the peripheral edge seal part of the branch section (col. 8, lines 11-19). It would have been obvious to one ordinary skill in the art at the time the invention was made to utilize in JP

11-130159A /JP 2003-002374A a vapor release seal part is formed continuously with respect to the peripheral edge seal part of the branch section as taught by Hanson in order to release pressure from the bag while heating.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 11-130159A in view of JP 2003-002374A both cited by applicants, and further in view of JP 2001-106270 also cited by applicants. JP 11-130159A /JP 2003-002374A discloses substantially all features of the claimed invention except the packaging pouch satisfying the following expressions (1) to (4):  $D \geq A+B$  (1);  $A \geq C$  (2);  $B \geq C$  (3); and  $E \geq 2A$  (4), wherein A represents an inner length of a short side of a packaging pouch body opposing the branched section; B represents an inner height of the branched section; C represents a height of a lower end of the vapor release seal part provided in the branched section; D represents an inner length of a short side of the packaging pouch; and E represents an inner length of a long side of the packaging pouch including the section opposing the branched section. JP 2001-106270 discloses a packaging pouch satisfying the following expressions (1) to (4):  $D \geq A+B$  (1);  $A \geq C$  (2);  $B \geq C$  (3); and  $E \geq 2A$  (4), wherein A represents an inner length of a short side of a packaging pouch body opposing the branched section; B represents an inner height of the branched section; C represents a height of a lower end of the vapor release seal part provided in the branched section; D represents an inner length of a short side of the packaging pouch; and E represents an inner length of a long side of the packaging pouch including the section opposing the branched section (figure 1). It would have been obvious to one ordinary skill in the art at the time the invention was made to utilize in JP 11-

130159A /JP 2003-002374A a packaging pouch satisfying the following expressions (1) to (4):  $D \geq A+B$  (1);  $A \geq C$  (2);  $B \geq C$  (3); and  $E \geq 2A$  (4), wherein A represents an inner length of a short side of a packaging pouch body opposing the branched section; B represents an inner height of the branched section; C represents a height of a lower end of the vapor release seal part provided in the branched section; D represents an inner length of a short side of the packaging pouch; and E represents an inner length of a long side of the packaging pouch including the section opposing the branched section as taught by JP 2001-106270 in order to suitable for user application.

7. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 11-130159A in view of JP 2003-002374A both cited by applicants, and further in view of JP 10-230978 also cited by applicants. JP 11-130159A /JP 2003-002374A discloses substantially all features of the claimed invention except the package pouch having pouring port forming means is formed at the periphery edge seal part of body of the packaging pouch opposing the branched section. JP 10-230978 discloses a package pouch having pouring port forming means is formed at the periphery edge seal part of body of the packaging pouch opposing the branched section (par. 0005 and par. 0008 of English translation attached herewith). It would have been obvious to one ordinary skill in the art at the time the invention was made to utilize in JP 11-130159A /JP 2003-002374A a package pouch having pouring port forming means is formed at the periphery edge seal part of body of the packaging pouch opposing the branched section as taught by JP 10-230978 in order to provide easy to pour heating material out of package.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang T. Van whose telephone number is 571-272-4789. The examiner can normally be reached on 8:00Am 5:00Pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Quang T Van/  
Primary Examiner, Art Unit 3742  
May 13, 2009

Quang T Van  
Primary Examiner  
Art Unit 3742